

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 RONALD BRATTON,)	No. C 07-2928 JSW (PR)
12 Plaintiff,)	ORDER DENYING
13 vs.)	MOTIONS TO ALTER OR
14 BEN CURRY, E. KLIEN, A. JANNAH,)	AMEND JUDGMENT
15 B. HENDRICK, M. RAGHUNATH, L.)	
16 MACKEY, J. CHURDY, J. ABOYTES,)	
17 Defendants.)	(Docket Nos. 119 & 120)
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18 This is a civil rights case filed by a pro se prisoner pursuant to 42 U.S.C.
19 § 1983. Defendants' motion for summary judgment was granted and Plaintiff filed a
20 notice of appeal. Plaintiff also filed two motions to alter or amend the judgment
21 under Rule 59(e) of the Federal Rules of Civil Procedure. In his motions, Plaintiff
22 argues that the exhaustion requirement "arguably" does not apply where prison
23 officials failed to process an administrative appeal. His summary motion does not
24 explain this argument in any way or identify what claim or claims it applies to. In
25 any event, summary judgment was not granted on exhaustion grounds, but rather on
26 the absence of a material factual issue as to whether or not his constitutional rights
27 were violated. Indeed, the Court expressly stated that in light of that conclusion, the
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1 exhaustion issue need not be reached. Accordingly, the motions do not raise any
2 grounds for altering or amending the judgment, and are DENIED (docket numbers
3 119 and 120).

4 IT IS SO ORDERED.

5
6 DATED: January 10, 2013


7 JEFFREY S. WHITE
8 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RONALD BRATTON.

Case Number: CV07-02928 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

BEN CURRY et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 10, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ronald Bratton
P.O. Box 8101
J45341
San Luis Obispo, CA 93409-8101

Dated: January 10, 2013

Jennifer Ottolini

Richard W. Wiekling, Clerk
By: Jennifer Ottolini, Deputy Clerk